

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA)	CR No.: 3:07-1014-JFA
)	
v.)	ORDER
)	
JONATHAN MCGEE)	
)	
_____)	

The defendant, Jonathan McGee, pled guilty to drug conspiracy charges, and was sentenced to a custodial term of 324 months.

The government has now filed a motion for a reduction of sentence pursuant to Rule 35(b)(2) of the Federal Rules of Criminal Procedure. Specifically, the government suggests that the defendant has provided unrewarded substantial assistance in the investigation and prosecution of other individuals which conforms to the guidelines and policy statements issued by the United States Sentencing Commission pursuant to 28 U.S.C. § 994. In connection with its motion, the government recommends a reduction of four levels to a guideline range of 210 to 262 months.

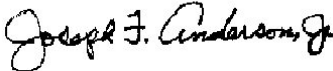
Consistent with its standard practice, this court advised the defendant that the government's motion to reduce his sentence had been filed and invited him to provide information that the court might consider in determining the extent of the departure. The defendant responded to the court's notice.

After carefully reviewing the materials submitted by the government and the defendant, this court is of the opinion that a reduction is appropriate in this case. Therefore, the defendant's new offense level is 32 (from an offense level of 36¹) and the criminal history category remains at VI, yielding an advisory sentencing range of 210 to 262 months imprisonment.

Accordingly, the government's motion for a reduction of sentence (ECF No. 1122) is hereby granted. The custodial portion of the defendant's sentence is hereby reduced to a term of 210 months. All other aspects of the original sentence remain in full force. The Clerk is requested to docket the defendant's motion to reduce his sentence (ECF No. 1128) as moot.

IT IS SO ORDERED.

March 26, 2013
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge

¹ As initially calculated, McGee's total offense level was 34 and his criminal history category was VI. However, because he had two or more prior felony drug convictions, he faced a statutory mandatory sentence of Life. On April 30, 2009, this court granted the government's motion for a one-level departure from the guidelines. Because he had been sentenced pursuant to a mandatory life sentence, the court was required to look to the guideline which first captured a sentence of Life. This guideline was an offense level 37, with a category VI. The court thus departed one level from the offense level 37 (37-1=36), yielding a guideline range at that time of 324 to 405 months.